

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

TIM SHAPUTIS,

Plaintiff,

v.

TRUCK CENTERS, INC.,

Defendant.

No. 05-CV-0724-DRH

ORDER

HERNDON, District Judge:

Pending before the Court is Shaputis' December 19, 2005 motion to vacate order granting summary judgment (Doc. 20). As of this date, Truck Centers has not responded to the motion. Pursuant to **Local Rule 7.1(g)**, the Court considers Truck Centers' failure to respond an admission of the merits of the motion.¹ Accordingly, the Court **GRANTS** the motion to vacate the order granting summary judgment (Doc. 20). The Court **VACATES** its November 17, 2005 Order granting summary judgment (Doc. 14). Further, the Court **Allows** Shaputis up to

¹"A party opposing such a motion shall have **ten (10) days** after service of the motion to file a written response. Failure to file a timely response to a motion may, in the court's discretion, be considered an admission of the merits of the motion." **Local Rule 7.1(g)**.

and including January 26, 2006 to respond to the motion for summary judgment.

IT IS SO ORDERED.

Signed this 12th day of January, 2006.

/s/ **David RHerndon**
United States District Judge